

Regulation 61-35

Imitation Milk, Imitation Milk Products, and Products Made in Semblance of Milk and Milk Products

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SECTION 1. Definitions.

A. Imitation milk and milk products are products which are made to resemble in form and are intended to be used as substitutes for milk and/or milk products as defined in the South Carolina Department of Health and Environmental Control's Rules and Regulations Governing Milk and Milk Products and which have been determined to be nutritionally inferior to the milk or milk products they are intended to imitate. (The standards for milk and milk products as published in the Milk Industry Foundation Labeling Manual, March 1974, will be used to determine if a product is nutritionally inferior.)

B. Products made in semblance of milk and milk products are products which are made to resemble in form and are intended to be used in substitution for milk and/or milk products and which are determined not to be nutritionally inferior to milk and/or milk products.

C. The fat content and solids not fat for imitation milk, imitation milk products, and products made in semblance of milk and milk products shall meet the minimum standards for the milk or milk product which it imitates or resembles. To each quart of imitation milk, imitation lowfat milk, imitation skim milk, and products made in semblance of these products, 400 U.S.P. units of Vitamin D and 2000 U.S.P. units of Vitamin A shall be added.

D. Any imitation milk, imitation milk products and products made in semblance of milk and milk products shall be deemed to be adulterated (1) if it bears or contains any poisonous or deleterious substance in a quantity which may render it injurious to health; (2) if it bears or contains any added poisonous or deleterious substance for which no safe tolerance has been established by State or Federal regulation, or in excess of such tolerance if one has been established; (3) if it consists, in whole or in part, of any substance unfit for human consumption; (4) if it has been produced, processed, prepared, packed, or held under insanitary conditions; (5) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health.

E. Imitation milk, imitation milk products and products made in semblance of milk and milk products are misbranded (1) when their container(s) bear or accompany any false or misleading written, printed or graphic matter; (2) when such products do not conform to their definitions as contained in these regulations, and (3) when such products are not labeled in accordance with Section 2 of these regulations.

SECTION 2. Labeling.

A. The label must be readable and understandable and shall not contain any misleading or false statements. All ingredients must be identified by their common name, and nutritional information must be shown. Vegetable and animal fats used must be identified by source. Imitation products shall be labeled "Imitation" followed by the name of the milk or milk product imitated. Labels for imitation products containing no dairy ingredient shall also show the term "non-dairy product". Imitation products containing dairy products and/or dairy ingredients shall show, following the name of the imitation products, the name of the specific dairy product(s) and/or dairy ingredient(s) contained.

B. Products made in semblance of milk and milk products shall comply with labeling requirements stated in Section #2A, for imitation milk and milk products. A fanciful name may be used and/or the word "imitation".

SECTION 3. Sanitation, Bacteriological, Chemical, and Temperature Standards.

Sanitation requirements for processing, packaging, and distribution of imitation milk, imitation milk products, and products made in semblance of milk and milk products shall be the same as those for Grade

A pasteurized milk and milk products. (Section 7, Item IP-22P, Rules and Regulations Governing Milk and Milk Products, South Carolina Department of Health and Environmental Control, 1968, as amended). Chemical, bacteriological, and temperature standards shall be the same as those shown for Grade A pasteurized milk and milk products. (Section 7, Chemical, Bacteriological, and Temperature Standards for Grade A Milk and Milk Products, Rules and Regulations Governing Milk and Milk Products, South Carolina Department of Health and Environmental Control, 1968, as amended).

SECTION 4. Adulterated or Misbranded Imitation Milk, Imitation Milk Products and Products Made in Semblance of Milk and Milk Products.

No person shall within the state of South Carolina or its police jurisdiction, process, provide, sell, offer, or expose for sale, or have in possession with intent to sell any imitation milk, imitation milk products or products made in semblance of milk and milk products which is adulterated or misbranded. Any adulterated or misbranded imitation milk, imitation milk product or products made in semblance of milk and milk products may be impounded by the Department of Health and Environmental Control and disposed of in accordance with applicable laws and regulations.

Imitation milk, imitation milk products and products made in semblance of milk or milk products shall be examined or sampled by the Department of Health and Environmental Control as often as necessary to determine freedom from adulteration or misbranding. The Department of Health and Environmental Control may upon written notice to the owner or person in charge place a hold order on any imitation milk, imitation milk products, or products made in semblance of milk and milk products which he determines or has probable cause to believe to be unwholesome or otherwise adulterated or misbranded. Under a hold order, products shall be permitted to be suitably stored.

SECTION 5. Permits.

It shall be unlawful for any person who does not possess a permit from the Department of Health and Environmental Control to process and package, have in storage, or otherwise offer for sale any products defined in these regulations.

In addition, requirements contained in Section 3 “Permits” in the Rules and Regulations Governing Milk and Milk Products, South Carolina Department of Health and Environmental Control, 1968, as amended, which are applicable shall be required for the processing, storage and offering for sale of products defined.

SECTION 6. Inspections of Plants.

Each plant, storage facility, and distribution station located in South Carolina whose products are defined in these regulations shall be inspected by the South Carolina Department of Health and Environmental Control prior to the issuance of a permit. Following the issuance of a permit, each plant, storage facility, and distribution station shall be inspected at least once every three months. Should the violation of any sanitation requirement set forth in Section 3 be found to exist, a second inspection shall be required after the time deemed necessary to remedy the violation, but not before three days have elapsed; the reinspection shall be used to determine compliance with sanitation requirements of Section 3. Any violation of the same sanitation requirement in Section 3 on such reinspection shall call for permit suspension in accordance with Section 5 (Permits).

SECTION 7. The Examination of Imitation Milk, Imitation Milk Products and Products Made in Semblance of Milk and Milk Products.

The examination of products defined in these regulations shall be conducted in accordance with the applicable standards and procedures contained in Section 6 of the Rules and Regulations Governing Milk and Milk Products, South Carolina Department of Health and Environmental Control, 1968, as amended.

SECTION 8. Imitation Milk, Imitation Milk Products and Products Made in Semblance of Milk and Milk Products from Points Beyond the Limits of Routine Inspection.

Products, defined in these regulations and processed and packaged outside the geographic limits of routine inspection of the South Carolina Department of Health and Environmental Control, or its police jurisdiction, may be sold in South Carolina, or its police jurisdiction, provided they are processed and packaged under routine official supervision, in compliance with standards, rules and regulations substantially equivalent to those applicable to like products processed and packaged in South Carolina.

SECTION 9. Personnel Health.

No person affected with any disease in a communicable form, or while a carrier of such disease, shall work at any plant or distribution station in any capacity which brings him in contact with the production, handling, storage, or transportation of products defined in these regulations, containers, equipment, or utensils; and no plant owner or manager shall employ in any such capacity any such person, or any person suspected of having any disease in a communicable form, or of being a carrier of such disease. Any plant owner or manager in whose plant any communicable disease occurs, or who suspects that any employee has contracted any disease in a communicable form, or has become a carrier of such disease, shall notify the Department of Health and Environmental Control.

SECTION 10. Procedure When Infection is Suspected.

When reasonable cause exists to suspect the possibility of transmission of infection from any person concerned with the handling of products defined in these regulations, the health authority is authorized to require any or all of the following measures:

1. The immediate exclusion of that person from product handling.
2. The immediate exclusion of the product concerned from distribution and use.
3. Adequate medical and bacteriological examination of the person, or his associates, and his and their body discharges.

SECTION 11. Reference to Rules and Regulations Governing Milk and Milk Products.

In addition to definitions and requirements contained in these regulations, all requirements contained in Rules and Regulations Governing Milk and Milk Products, South Carolina Department of Health and Environmental Control, 1968, as amended, which are applicable shall be required for the processing, storing, and offering for sale of imitation milk, imitation milk products, and products made in semblance of milk and milk products.

SECTION 12. Enforcement.

These regulations shall be enforced by the health authority, in accordance with interpretations and public health reasons approved by the South Carolina Department of Health and Environmental Control.

SECTION 13. Penalties.

Violations of these regulations shall be punishable in accordance with Section 44-1-150, Code of Laws of South Carolina, 1976, by fine not exceeding \$100 or imprisonment not exceeding 30 days; and each day of continued violation shall be a separate offense.

SECTION 14. Repeal and Date of Effect.

These regulations shall be in full force and effect immediately after their adoption and publication; and, at that time all regulations and part of regulations in conflict with this regulation are hereby repealed.

SECTION 15. Unconstitutionality Clause.

Should any section, paragraph, sentence, clause, or phrase of this regulation be declared unconstitutional or invalid for any reason, the remainder of said regulation shall not be affected thereby.